



General Assembly

**Substitute Bill No. 890**

January Session, 2011

\* \_\_\_\_\_SB00890KIDJUD030411\_\_\_\_\_ \*

**AN ACT PROVIDING CERTAIN ADULT ADOPTED PERSONS WITH  
ACCESS TO PARENTAL HEALTH INFORMATION AND THEIR  
ORIGINAL BIRTH CERTIFICATES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-751b of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) [If] Except as provided in subsection (c) of this section, if parental  
4 rights were terminated on or after October 1, 1995, any information  
5 tending to identify the adult adopted or adoptable person, a biological  
6 parent, including a person claiming to be the father who was not a  
7 party to the proceedings for the termination of parental rights, or adult  
8 biological sibling shall not be disclosed unless written consent is  
9 obtained from the person whose identity is being requested.

10 (b) (1) [If] Except as provided in subsection (c) of this section, if  
11 parental rights were terminated on or before September 30, 1995, (A)  
12 any information tending to identify the biological parents, including a  
13 person claiming to be the father who was not a party to the  
14 proceedings for the termination of parental rights, shall not be  
15 disclosed unless written consent is obtained from each biological  
16 parent who was party to such proceedings, except as provided in  
17 subdivision (2) of this subsection, and (B) identifying information shall  
18 not be disclosed to a biological parent, including a person claiming to

19 be the father who was not a party to the proceedings for the  
20 termination of parental rights, without the written consent of each  
21 biological parent who was a party to such proceedings and the consent  
22 of the adult adopted or adoptable person whose identity is being  
23 requested.

24 (2) [On] Except as provided in subsection (c) of this section, on and  
25 after October 1, 2009, information tending to identify a biological  
26 parent who is subject to this subsection may be disclosed to an  
27 authorized applicant if the biological parent whose information is to be  
28 disclosed provides written consent, provided the child-placing agency  
29 or department attempts to determine the whereabouts of the other  
30 biological parent and obtain written consent from such other biological  
31 parent to permit disclosure of such information in the manner  
32 permitted under subdivision (1) of this subsection. If such other  
33 biological parent cannot be located or does not provide such written  
34 consent, information tending to identify the biological parent who has  
35 provided written consent may be disclosed to an authorized applicant,  
36 provided: (A) Information tending to identify the other biological  
37 parent shall not be disclosed without the written consent of the other  
38 biological parent, and (B) the biological parent whose information is to  
39 be disclosed signs an affidavit that such parent shall not disclose any  
40 information tending to identify the other biological parent without the  
41 written consent of the other biological parent.

42 (c) On and after October 1, 2011, regardless of the date parental  
43 rights were terminated, any adult adopted person, twenty-one years of  
44 age or older, or if such person is deceased, an authorized applicant, as  
45 defined in subparagraph (D) of subdivision (3) of section 45a-743, may  
46 apply for and receive a copy of (1) the person's sealed original birth  
47 certificate or record pursuant to section 7-51, as amended by this act,  
48 and (2) any contact preference form attached to the sealed original  
49 birth certificate or record pursuant to section 7-51, as amended by this  
50 act. Nothing in this subsection shall be construed to limit such person's  
51 or authorized applicant's access to information pursuant to this part.

52     [(c)] (d) If the whereabouts of any person whose identity is being  
53 sought are unknown, the court shall appoint a guardian ad litem  
54 pursuant to subsection (c) of section 45a-753.

55     [(d)] (e) When the authorized applicant requesting identifying  
56 information has contact with a biological sibling who is a minor,  
57 identifying information shall not be disclosed unless consent is  
58 obtained from the adoptive parents or guardian or guardian ad litem  
59 of the sibling.

60     [(e)] (f) Any information tending to identify any adult relative other  
61 than a biological parent shall not be disclosed unless written consent is  
62 obtained from such adult relative. The consent of any biological  
63 parents common to the person making the request and the person to  
64 be identified shall be required unless (1) the parental rights of such  
65 parents have been terminated and not reinstated, guardianship has  
66 been removed and not reinstated or custody has been removed and  
67 not reinstated with respect to such adult relative or (2) the adoption  
68 was finalized on or after June 12, 1984. No consent shall be required if  
69 the person to be identified is deceased. If the person to be identified is  
70 deceased, the information that may be released shall be limited as  
71 provided in subsection (e) of section 45a-753.

72     [(f)] (g) Any adult person for whom there is only removal of custody  
73 or removal of guardianship as specified in subsection (b) of section  
74 45a-750, as amended by this act, may apply in person or in writing to  
75 the child-placing agency, the department, the court of probate or the  
76 superior court which has the information. Such information shall be  
77 made available within sixty days of receipt of such request unless the  
78 child-placing agency, department or court notifies the person  
79 requesting the information that it cannot be made available within  
80 sixty days and states the reason for the delay. If the person making  
81 such request is a resident of this state and it appears that counseling is  
82 advisable with release of the information, the child-placing agency or  
83 department may request that the person appear for an interview. If the  
84 person making such request is not a resident of this state, and if it

85 appears that counseling is advisable with release of the information,  
86 the child-placing agency, department or court may refer the person to  
87 an out-of-state agency or appropriate governmental agency or  
88 department, approved by the department or accredited by the Child  
89 Welfare League of America, the National Conference of Catholic  
90 Charities, the Family Services Association of America or the Council  
91 on Accreditation of Services of Families and Children. If an out-of-state  
92 referral is made, the information shall be released to the out-of-state  
93 child-placing agency or department for release to the applicant,  
94 provided such information shall not be released unless the out-of-state  
95 child-placing agency or department is satisfied as to the identity of the  
96 person.

97 Sec. 2. Section 7-51 of the general statutes is repealed and the  
98 following is substituted in lieu thereof (*Effective October 1, 2011*):

99 (a) (1) The department and registrars of vital [records] statistics shall  
100 restrict access to and issuance of a certified copy of birth and fetal  
101 death records and certificates less than one hundred years old, to  
102 eligible parties described in subdivision (2) of this subsection and the  
103 following eligible parties: [(1)] (A) The person whose birth is recorded,  
104 if over eighteen years of age; [(2)] (B) such person's children,  
105 grandchildren, spouse, parent, guardian or grandparent; [(3)] (C) the  
106 chief executive officer of the municipality where the birth or fetal death  
107 occurred, or the chief executive officer's authorized agent; [(4)] (D) the  
108 local director of health for the town or city where the birth or fetal  
109 death occurred or where the mother was a resident at the time of the  
110 birth or fetal death, or the director's authorized agent; [(5)] (E)  
111 attorneys-at-law and title examiners representing such person or such  
112 person's parent, guardian, child or surviving spouse; [(6)] (F) members  
113 of genealogical societies incorporated or authorized by the Secretary of  
114 the State to do business or conduct affairs in this state; [(7)] (G) agents  
115 of a state or federal agency as approved by the department; and [(8)]  
116 (H) researchers approved by the department pursuant to section 19a-  
117 25.

118       (2) The department shall provide access to and shall, upon request,  
119       issue a copy of a sealed original birth record or certificate marked with  
120       the same notation required for such records under subsection (c) of  
121       section 7-53, as amended by this act, to any adult adopted person  
122       twenty-one years of age or older, or if such person is deceased, an  
123       authorized applicant, as defined in subparagraph (D) of subdivision  
124       (3) of section 45a-743, provided the department is satisfied as to the  
125       identity of the person or authorized applicant requesting the record or  
126       certificate.

127       (3) Except as provided in section 19a-42a and subdivision (2) of this  
128       subsection, access to confidential files on paternity, adoption, gender  
129       change or gestational agreements, or information contained within  
130       such files, shall not be released to any party, including the eligible  
131       parties listed in subdivision (1) of this subsection, except upon an  
132       order of a court of competent jurisdiction.

133       (b) No person other than the eligible parties listed in subsection (a)  
134       of this section shall be entitled to examine or receive a copy of any  
135       birth or fetal death record or certificate, access the information  
136       contained therein, or disclose any matter contained therein, except  
137       upon written order of a court of competent jurisdiction. Nothing in this  
138       section shall be construed to permit disclosure to any person,  
139       including the eligible parties listed in subsection (a) of this section, of  
140       information contained in the "information for health and statistical use  
141       only" section or the "administrative purposes only" section of a birth  
142       certificate, unless specifically authorized by the department for  
143       statistical or research purposes. The Social Security number of the  
144       parent or parents listed on any birth certificate shall not be released to  
145       any party, except to those persons or entities authorized by state or  
146       federal law. Such confidential information, other than the excluded  
147       information set forth in this subsection, shall not be subject to  
148       subpoena or court order and shall not be admissible before any court  
149       or other tribunal.

150       (c) The registrar of the town in which the birth or fetal death

151 occurred or of the town in which the mother resided at the time of the  
152 birth or fetal death, or the department, may issue a certified copy of the  
153 certificate of birth or fetal death of any person born in this state  
154 [which] that is kept in paper form in the custody of the registrar. Such  
155 certificate shall be issued upon the written request of an eligible party  
156 listed in subsection (a) of this section. Any registrar of vital statistics in  
157 this state with access, as authorized by the department, to the  
158 electronic vital records system of the department may issue a certified  
159 copy of the electronically filed certificate of birth or fetal death of any  
160 person born in this state upon the written request of an eligible party  
161 listed in subsection (a) of this section.

162 (d) The department and each registrar of vital statistics shall issue  
163 only certified copies of birth certificates or fetal death certificates for  
164 births or fetal deaths occurring less than one hundred years prior to  
165 the date of the request, except as provided in subdivision (2) of  
166 subsection (a) of this section.

167 (e) (1) With respect to an original birth record or certificate that was  
168 superseded by a new birth certificate pursuant to section 7-53, as  
169 amended by this act, and that may be made available pursuant to  
170 subdivision (2) of subsection (a) of this section, upon request from the  
171 person whose birth was recorded or a birth parent named in the birth  
172 certificate, the department shall make available to each birth parent, or  
173 the birth parent making the request, as the case may be, a contact  
174 preference form prescribed in this subsection on which the birth parent  
175 may state a preference regarding contact by the person whose birth  
176 was recorded or an authorized applicant, as defined in subparagraph  
177 (D) of subdivision (3) of section 45a-743. Upon such request, the  
178 department shall also provide the birth parent with a form on which to  
179 record the birth parent's health history pursuant to subdivision (10) of  
180 subsection (a) of section 45a-746, which the birth parent may complete  
181 and return.

182 (2) The contact preference form shall provide the birth parent with  
183 (A) a place to indicate whether the health history form has been

184 completed and returned, and (B) the following options from which the  
185 birth parent shall select one:

186 (i) I would like to be contacted.

187 (ii) I would like to be contacted but only through an intermediary.

188 (iii) I do not want to be contacted.

189 (3) When the department receives a completed contact preference  
190 form or a completed health history form from a birth parent, the  
191 department shall attach the form to the adopted person's sealed  
192 original certificate or record. The form shall be confidential and copies  
193 shall only be provided to (A) the person whose birth was recorded or  
194 an authorized applicant, as defined in subparagraph (D) of subdivision  
195 (3) of section 45a-743, and (B) the state registry pursuant to section 45a-  
196 755.

197 (4) Only a person authorized by the department to issue a birth  
198 record or certificate under this section may process a contact  
199 preference form and an updated health history form.

200 Sec. 3. Section 7-53 of the general statutes is repealed and the  
201 following is substituted in lieu thereof (*Effective October 1, 2011*):

202 (a) Upon receipt of the record of adoption referred to in subsection  
203 (e) of section 45a-745 or of other evidence satisfactory to the  
204 department that a person born in this state has been adopted, the  
205 department shall prepare a new birth certificate of such adopted  
206 person, except that no new certificate of birth shall be prepared if the  
207 court decreeing the adoption, the adoptive parents or the adopted  
208 person, if over fourteen years of age, so requests. Such new birth  
209 certificate shall include all the information required to be set forth in a  
210 certificate of birth of this state as of the date of birth, except that the  
211 adopting parents shall be named as the parents instead of the [genetic]  
212 birth parents and, when a certified copy of the birth of such person is  
213 requested by an authorized person, a copy of the new certificate of

214 birth as prepared by the department shall be provided, except as  
215 provided in section 7-51, as amended by this act.

216 (b) Any person seeking to examine or obtain a copy of the original  
217 record or certificate of birth, except an adopted person or an  
218 authorized applicant who is eligible to obtain an original record or  
219 certificate of birth pursuant to section 7-51, as amended by this act,  
220 shall first obtain a written order signed by the judge of the probate  
221 court for the district in which the adopted person was adopted or born  
222 in accordance with section 45a-753, or a written order of the Probate  
223 Court in accordance with the provisions of section 45a-752. [, stating]  
224 Such order shall state that the court is of the opinion that the  
225 examination of the birth record of the adopted person by the adopting  
226 parents or the adopted person, if over eighteen years of age, or by the  
227 person wishing to examine the [same] birth record, or that the issuance  
228 of a copy of such birth certificate to the adopting parents or the  
229 adopted person, if over eighteen years of age, or to the person  
230 applying [therefor] for the birth certificate, will not be detrimental to  
231 the public interest or to the welfare of the adopted person, [or to the  
232 welfare of] the [genetic] birth parent or parents, or the adoptive parent  
233 or parents.

234 (c) Upon receipt of such court order, the registrar of vital statistics of  
235 any town in which the birth of such person was recorded, or the  
236 department, may issue the certified copy of the original certificate of  
237 birth on file, marked with a notation by the issuer that such original  
238 certificate of birth has been superseded by a replacement certificate of  
239 birth as on file, or may permit the examination of such record.

240 (d) Immediately after a new certificate of birth has been prepared,  
241 an exact copy of such certificate, together with a written notice of the  
242 evidence of adoption, shall be transmitted by the department to the  
243 registrar of vital statistics of each town in this state in which the birth  
244 of the adopted person is recorded. The new birth certificate, the  
245 original certificate of birth on file and the evidence of adoption shall be  
246 filed and indexed, under such regulations as the commissioner adopts,



247 in accordance with chapter 54, to carry out the provisions of this  
248 section and to prevent access to the records of birth and adoption and  
249 the information [therein] contained in the records without due cause,  
250 except as provided in this section and section 7-51, as amended by this  
251 act.

252 (e) Any person, except such parents or adopted person, who  
253 discloses any information contained in such records, except as  
254 provided in this section or section 7-51, as amended by this act, shall be  
255 fined not more than five hundred dollars or imprisoned not more than  
256 six months, or both.

257 (f) Whenever a certified copy of an adoption decree from a court of  
258 a foreign country, having jurisdiction of the adopted person, is filed  
259 with the department under the provisions of this section, such decree,  
260 when written in a language other than English, shall be accompanied  
261 by an English translation, which shall be subscribed and sworn to as a  
262 true translation by an American consulate officer stationed in such  
263 foreign country.

264 Sec. 4. Section 45a-744 of the general statutes is repealed and the  
265 following is substituted in lieu thereof (*Effective October 1, 2011*):

266 It is the policy of the state of Connecticut to make available to  
267 adopted and adoptable persons who are adults (1) information  
268 concerning their background and status; to give the same information  
269 to their adoptive parent or parents; and, in any case where such adult  
270 persons are deceased, to give the same information to their adult  
271 descendants, including adopted descendants; [except a copy of their  
272 original birth certificate as provided by section 7-51;] (2) to provide for  
273 consensual release of additional information which may identify the  
274 biological parents or relatives of such adult adopted or adoptable  
275 persons when release of such information is in the best interests of  
276 such persons; (3) except as provided in section 7-51, as amended by  
277 this act, with respect to original birth records and certificates, and  
278 subdivisions (4) and (5) of this section, to protect the right to privacy of

279 all parties to termination of parental rights, statutory parent and  
280 adoption proceedings; (4) to make available to any biological parent of  
281 an adult adopted or adult adoptable person, including a person  
282 claiming to be the father who was not a party to the proceedings for  
283 termination of parental rights, information which would tend to  
284 identify such adult adopted or adult adoptable person; and (5) to make  
285 available to any adult biological sibling of an adult adopted or adult  
286 adoptable person information which would tend to identify such adult  
287 adopted or adult adoptable person.

288 Sec. 5. Subsection (c) of section 19a-42 of the general statutes is  
289 repealed and the following is substituted in lieu thereof (*Effective*  
290 *October 1, 2011*):

291 (c) An amended certificate shall supersede the original certificate  
292 that has been changed and shall be marked "Amended", except for  
293 amendments due to parentage or gender change. The original  
294 certificate in the case of parentage or gender change shall be physically  
295 or electronically sealed and kept in a confidential file by the  
296 department and the registrar of any town in which the birth was  
297 recorded, and may be unsealed for viewing or issuance only as  
298 provided in section 7-51, as amended by this act, with respect to files  
299 on adoption, or upon a written order of a court of competent  
300 jurisdiction. The amended certificate shall become the public record.

301 Sec. 6. Subsection (b) of section 45a-750 of the general statutes is  
302 repealed and the following is substituted in lieu thereof (*Effective*  
303 *October 1, 2011*):

304 (b) Any person for whom there is only a removal of custody or  
305 removal of guardianship, and such removal took place in this state  
306 shall be given information [which] that may identify the biological  
307 parent or parents or any relative of such person, upon request, in  
308 person or in writing, in accordance with subsection [(f)] (g) of section  
309 45a-751b, as amended by this act, provided such information with  
310 respect to any relative shall not be released unless the consents

311 required in subsection [(e)] (f) of section 45a-751b, as amended by this  
312 act, are obtained.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	45a-751b
Sec. 2	<i>October 1, 2011</i>	7-51
Sec. 3	<i>October 1, 2011</i>	7-53
Sec. 4	<i>October 1, 2011</i>	45a-744
Sec. 5	<i>October 1, 2011</i>	19a-42(c)
Sec. 6	<i>October 1, 2011</i>	45a-750(b)

**KID***Joint Favorable Subst. C/R***JUD**